

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Mocktar A. Tairou,	)	C/A No. 1:19-674-JFA-SVH
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
Al Cannon, Jr., Sheriff, et al.	)	
	)	
Respondents.	)	
_____	)	

The *pro se* petitioner, Mocktar A. Tairou, is an alien detainee in the custody of the United States Immigration and Customs Enforcement (“ICE”) at Folkston ICE Processing Center in Folkston, Georgia. He brought this action in this District pursuant to 28 U.S.C. § 2241 challenging his continued detention under the Immigration and Naturalization Act. At the time he filed the petition, the defendant was in the custody of the Charleston County Detention Center where the incidents in the petition allegedly arose.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that this matter should be transferred to the United States District Court for the Southern District of Georgia. The Report sets forth in detail the

---

<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on April 5, 2019. However, the petitioner did not file any objections to the Report within the time limits prescribed. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

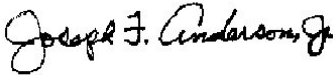
In her Report, the Magistrate Judge correctly opines that this court lacks personal jurisdiction over petitioner's custodian/respondent, the Warden of the ICE Processing Center in Folkston, Georgia. The Magistrate Judge cites *Rumsfeld v. Padilla*, 542 U.S. 426 (2004) which explains that the proper party respondent is generally the person who has the immediate custody of the party detained.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law and it is incorporated herein by reference.

Accordingly, the Clerk is authorized to transfer this action to the United States District Court for the Southern District of Georgia.

IT IS SO ORDERED.

April 29, 2019  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge